

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,) In Equity No. C-125
Plaintiff,) 3:73-cv-00125-MMD-WGC
WALKER RIVER PAIUTE TRIBE,)
Plaintiff-Intervenor,) **ORDER MODIFYING WALKER**
vs.) **RIVER DECREE REGARDING**
WALKER RIVER IRRIGATION DISTRICT,) **WATER RIGHT PERMIT NO.**
a corporation, et al.,) **90429**
Defendants.)

Pursuant to Section 7.2 and Section 7.4 of the Administrative Rules and Regulations Regarding Change of Point of Diversion, Manner of Use or Place of Use of Water of the Walker River and Its Tributaries and Regarding Compliance with California Fish and Game Code § 5937 and other provisions of California law (the “Administrative Rules”), Flying A Limited Partnership (“Flying A”) filed its Petition for Modification of the Walker River Decree to reflect the change in place of use of a portion of Walker River Decree water right Claim No. 77 as approved by the Nevada State Engineer through the issuance of water right Permit No. 90429 (ECF 1682).

1 Pursuant to Section 7.6 of the Administrative Rules, the Nevada State Engineer filed its
2 Record regarding water right Permit No. 90429 (ECF 1683).

3 The Court ordered that any entity or person who participated in the proceedings before
4 the State Engineer with respect to Permit No. 90429 had until August 24, 2021 in which to file
5 any response or opposition to the Petition (ECF 1685).

6 On August 24, 2021 United States Board of Water Commissioners (“Board”) and Chief
7 Deputy Water Master (“Water Master”) submitted comments on the Petition of Flying A
8 Limited Partnership for Modification of the Walker River Decree Regarding Permit No. 90429
9 requesting that the place of use in the Decree for Permit No. 90429 be limited to 19 acres
10 designated in a map attached to the Response as Exhibit A and that the State Engineer’s Permit
11 90429 be amended accordingly (ECF 1686).

12 The Court having considered the Petition, the Record before the Nevada State Engineer,
13 the Response of the United States Board of Water Commissioners and the Reply thereto of
14 Flying “A” (ECF 1687) and being fully advised finds and concludes as follows:

15 1. Upon the filing of Application No. 90429, the Nevada State Engineer provided
16 notice of the Application as required by Rule 4.1 of the Administrative Rules, including notice
17 by publication. No protests to the Application were filed. The Board and Water Master
18 submitted comments to the State Engineer on April 22, 2021.

19 2. The proceedings before the Nevada State Engineer with respect to Application
20 No. 90429 were in compliance with the practice and procedures of the Nevada State Engineer.

21 3. On May 28, 2021, without holding an evidentiary hearing, the State Engineer
22 issued the Permit.

1 4. By Deed dated June 29, 2021, the Richard Hugo Bein Trust conveyed ownership
 2 of the portion of Walker River Decree Claim No. 77 water right as approved to be changed by
 3 the Permit to Flying A.

4 5. The Petition is timely because it has been filed within 45 days after service of
 5 the decision of the Nevada State Engineer approving the Application, pursuant to Rule 7.2 of
 6 the 1996 Administrative Rules of the Walker River Decree.
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8 6. Flying A has agreed to the request of the United States Board of Water
 9 Commissioners that the place of use in the Decree for Permit No. 90429 be limited to 19 acres
 10 designated on the map attached to the Response of the United States Board of Water
 11 Commissioners.
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13 NOW, THEREFORE, it is hereby ORDERED, ADJUDGED, AND DECREED as
 14 follows:
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16 1. Permit No. 90429 is hereby approved with a place of use on 19 acres in the S ½
 17 of the NW ¼ of the SW ¼ of Section 25, T. 12 N. R. 23 E., MDB&M and Permit No. 90429
 shall be deemed to be modified accordingly.
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19 2. The Walker River Decree entered herein on April 15, 1936, as modified April
 20 24, 1940, is hereby amended to reflect the change in the place of use of a portion of Claim No.
 21 77 as follows:
 22

<u>Owner</u>	<u>Priority</u>	<u>Cfs</u>	<u>Acres</u>	<u>Amended Place of Use</u>
Flying A Limited Partnership	1895	0.228	19	S ½ of the NW ¼ of the SW ¼ of Section 25, T. 12 N. R. 23 E., MDB&M

23 24 3. This modification does not make any other changes to the listed owner of Claim
 25 No. 77, or any portions thereof, as set forth in the Walker River Decree, even though the
 26 ownership of the water rights claim may have changed since the entry of this Decree.
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1 4. The portion of Claim No. 77 that was not modified by Permit No. 90429 and
2 which therefore retains its current manner of use, place of use, and point of diversion and is not
3 modified by this Order.

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5 IT IS SO ORDERED
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By:



UNITED STATES DISTRICT JUDGE

7 Dated: 10/15/2021
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